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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,467	06/20/2001	Jeffrey A. Bedell	53470.003030	9623

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Brian M. Buroker
Hunton & Williams
Suite 1200
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,467

Applicant(s)

BEDELL ET AL.

Examiner

Wayne Amsbury

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

CLAIMS 1-27 ARE PENDING

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5, 7 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The processes of these claims are mere abstractions and/or descriptions of concrete systems, as opposed, for instance, to computer-implemented processes.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5, 8-14, 17-23 and 26-27 are rejected under 35 U.S.C. 102(a) as being anticipated by McDonough et al (McDonough), US 6,115,693, 5 September 2000.

McDonough is directed to a Quality Center (QC) that includes a reporting system for accessing statistics for generating managing reports regarding the operation of a Virtual Sales and Service Center (VSSC) [ABSTRACT; COL 3 lines 37-44].

The VSSC comprises a report system in a number of ways; in particular the VSSC gathers information from multiple customer access resources. As shown in FIG 5 and elsewhere, a variety of reports form the basis for the summary reports of the QC.

These include customer feedback, messages, and reports for each call center. [See COL 10 line 1 and after.] An overview of the Information Delivery Architecture (IDA) is provided in FIG 7. This system as a whole is a report system.

As to **claim 1**, gathering statistics and generating outputs in the form of management reports is a major function of McDonough [COL 3 lines 55-64]. As to **claim 2**, management corresponds to the end user of the QC. As to **claim 3**, to the extent that storing data is not inherent in the process of summary and analysis, the QC stores data in order to generate history reports [COL 4 lines 21-24].

As to **claim 4**, a call center manager monitors data in real time and this is used to identify and resolve operational problems [COL 10 lines 21-22; COL 11 lines 34-39].

As to **claim 5**, McDonough repeatedly addresses the use of the QC output by decision makers [COL 4 lines 4-6, 42-46; COL 9 lines 1-3, 8-9; COL 10 lines 10-14, 63-65; COL 11 lines 13-17, 37-39], and explicitly notes the use of decision support tools [COL 12 lines 45-55].

As to **claim 8**, see COL 12 lines 45-55.

As to **claim 9**, the IDA provides real-time information to a variety of users and managers [COL 11 lines 34-60], including the average speed of answer to messages [COL 11 lines 52-54]. Managing the environment [COL 11 lines 37-39] clearly corresponds to tuning of the system.

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The elements of claims **10-14, 17-23 and 26-27** have been rejected in the analysis above and these claims are rejected on that basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-7, 15-16 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al (McDonough), US 6,115,693, 5 September 2000.

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The (10 named) elements of **claims 6, 15 and 24** are not explicitly addressed as such by McDonough, but at least one of them would be recognized by one of ordinary skill in the art as a useful tool for tuning the system.

At one level, the QC makes managerial adjustments with respect to call centers. At another level, decisions are made with respect to the virtual environment within which this occurs [COL 12 lines 45-55]. The QC coordinates and adjusts monitoring activities and the effectiveness of various rules involved [COL 13 lines 7-20]. In particular:

metadata usage Any data about data is metadata, so statistics about customer accesses to or through the system comprise metadata. [Customer accesses of web pages and the like, COL 5 line 66 and after]. Individual call centers are monitored and tactical decisions are made with respect to them [COL 9 lines 45-52; COL 10 line 58]. The statistics about such activities is may be used to a greater or lesser extent in order to manage the system as a whole. Clearly those statistics that are little used in practice are ineffective and inefficient to maintain.

It would have been obvious to one of ordinary skill in the art at the time of the invention to monitor the usage of metadata because it provides support for decisions about the effectiveness of the system monitoring and management.

report usage data and report definition data These statistics are similar in nature to metadata usage.

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Items such as **server data, concurrency data, overall system usage, individual user activity, object usage data and database usage data** fall within the basic statistics that one of ordinary skill in the art at the time of the invention would use for generating management reports regarding the operation of the VSSC itself.

As to **claims 7, 16 and 25**, these claims are directed to the allocation of the system cost to the user of that data. This system is an integrated form of plural call centers [COL 3 lines 6-20], which can be expected to have differing needs and be supported by differing budgets. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to allocate costs to users because this provides for an equitable distribution of the total cost.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.


WAYNE AMSBURY
PRIMARY PATENT EXAMINER

WPA